

deemed sufficient cause for denial of testing services to such persons.

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PART 29—TOBACCO INSPECTION

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29.2265 Elasticity.
 29.2266 Elements of quality.
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 29.2269 Fire-cured.
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 29.2275 Group.
 29.2276 Injury.
 29.2277 Leaf scrap.
 29.2278 Leaf structure.
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 29.2280 Lot.
 29.2281 Maturity.
 29.2282 Mixed color or variegated (M).
 29.2283 Nested.
 29.2284 No grade.
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 29.2287 Order (case).
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 29.2291 Quality.
 29.2292 Resweated.
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 29.2295 Semifired (SF).
 29.2296 Side.
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 29.2300 Steam-dried.
 29.2301 Stem.
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 29.2304 Strips.
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 29.2312 Undried.
 29.2313 Uniformity.
 29.2314 Unsound (U).
 29.2315 Unstemmed.
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SUMMARY OF STANDARD GRADES

29.2461 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2481 Key to standard grademarks.

Official Standard Grades for Kentucky and Tennessee Fire-Cured and Foreign-Grown Fire-Cured Tobacco (U.S. Types 22, 23, and Foreign Type 96)

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29.2501 Definitions.
29.2502 Air-dried.
29.2503 Body.
29.2504 Brown colors.
29.2505 Class.
29.2506 Clean.
29.2507 Color.
29.2508 Color intensity.
29.2509 Color symbols.
29.2510 Condition.
29.2511 Crude.
29.2512 Cured.
29.2513 Damage.
29.2514 Dirty.
29.2515 Elasticity.
29.2516 Elements of quality.
29.2517 Fiber.
29.2518 Finish.
29.2519 Fire-cured.
29.2520 Foreign matter.
29.2521 Form.
29.2522 Grade.
29.2523 Grademark.
29.2524 Green (G).
29.2525 Greenish.

29.2526 Group.
29.2527 Injury.
29.2528 Leaf.
29.2529 Leaf scrap.
29.2530 Leaf structure.
29.2531 Length.
29.2532 Lot.
29.2533 Maturity.
29.2534 Mixed color or variegated (M).
29.2535 Nested.
29.2536 No grade.
29.2537 Offtype.
29.2538 Oil.
29.2539 Order (case).
29.2540 Package.
29.2541 Packing.
29.2542 Quality.
29.2543 Raw.
29.2544 Resweated.
29.2545 Rework.
29.2546 Semicured.
29.2547 Semifired (SF).
29.2548 Side.
29.2549 Size.
29.2550 Sound.
29.2551 Special factor.
29.2552 Steam-dried.
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29.2554 Stemmed.
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29.2566 Undried.
29.2567 Uniformity.
29.2568 Unsound (U).
29.2569 Unstemmed.
29.2570 Wet (W).
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29.2601 Elements of quality and degrees of each element.

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 29.2629 Rule 13.
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 29.2636 Rule 20.
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29.2661 Wrappers (A Group).
 29.2662 Heavy Leaf (B Group).
 29.2663 Thin Leaf (C Group).
 29.2664 Lugs (X Group).
 29.2665 Nondescript (N Group).
 29.2666 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.2686 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2696 Key to standard grademarks.

**Official Standard Grades for Burley Tobacco (U.S.
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DEFINITIONS

29.3001 Definitions.
 29.3002 Air-cured.
 29.3003 Air-dried.
 29.3004 Body.
 29.3005 Burley, Type 31.
 29.3006 Burley, Type 93.
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 29.3008 Class.
 29.3009 Clean.
 29.3010 Color.
 29.3011 Color intensity.
 29.3012 Color symbols.
 29.3013 Combination color symbols.
 29.3014 Condition.
 29.3015 Crude.
 29.3016 Cured.
 29.3017 Damage.
 29.3018 Dark red color (D).
 29.3019 Dirty.
 29.3020 Elements of quality.
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 29.3023 Foreign matter.
 29.3024 Form.
 29.3025 General color.
 29.3026 General quality.
 29.3027 Grade.
 29.3028 Grademark.
 29.3029 Green (G).
 29.3030 Greenish (V).
 29.3031 Group.
 29.3032 Injury.
 29.3033 Leaf.

29.3034 Leaf scrap.
 29.3035 Leaf structure.
 29.3036 Leaf surface.
 29.3037 Length.
 29.3038 Lot.
 29.3039 Maturity.
 29.3040 Mixed color (M).
 29.3041 Nested.
 29.3042 No grade.
 29.3043 No-G-Nested.
 29.3044 Offtype.
 29.3045 Order (case).
 29.3046 Oriented.
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 29.3049 Pink or pinkish.
 29.3050 Quality.
 29.3051 Raw.
 29.3052 Red color (R).
 29.3053 Rework.
 29.3054 Semicured.
 29.3055 Side.
 29.3056 Sound.
 29.3057 Special factor.
 29.3058 Steam-dried.
 29.3059 Stem.
 29.3060 Stemmed.
 29.3061 Strength (tensile).
 29.3062 Strips.
 29.3063 Subgrade.
 29.3064 Sweated.
 29.3065 Sweating.
 29.3066 Tan color.
 29.3067 Tannish-buff (FL).
 29.3068 Tannish-red color (FR).
 29.3069 Tobacco.
 29.3070 Tobacco products.
 29.3071 Type.
 29.3072 Undried.
 29.3073 Uniformity.
 29.3074 Unsound (U).
 29.3075 Unstemmed.
 29.3076 Variegated (K).
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29.3101 Elements of quality and degrees of each element.

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 29.3111 Rule 8.
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 29.3114 Rule 11.
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 29.3154 Tips (T Group).
 29.3155 Mixed (M Group).
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SUMMARY OF STANDARD GRADES

29.3181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3182 Key to standard grademarks.

Official Standard Grades for Dark Air-Cured Tobacco (U.S. Types 35, 36, 37 and Foreign Type 95)**DEFINITIONS**

29.3501 Definitions.
 29.3502 Air-cured.
 29.3503 Air-dried.
 29.3504 Body.
 29.3505 Brown colors.
 29.3506 Class.
 29.3507 Clean.
 29.3508 Color.
 29.3509 Color intensity.
 29.3510 Color symbols.
 29.3511 Condition.
 29.3512 Crude.
 29.3513 Cured.
 29.3514 Damage.
 29.3515 Dirty.
 29.3516 Elasticity.
 29.3517 Finish.
 29.3518 Foreign matter.
 29.3519 Form.
 29.3520 Grade.
 29.3521 Grademark.
 29.3522 Green (G).
 29.3523 Group.
 29.3524 Injury.
 29.3525 Leaf.
 29.3526 Leaf scrap.
 29.3527 Leaf structure.
 29.3528 Leaf surface.
 29.3529 Length.
 29.3530 Lot.
 29.3531 Maturity.
 29.3532 Mixed (M).
 29.3533 Nested.
 29.3534 No grade.

29.3535 Offtype.
 29.3536 Order (case).
 29.3537 Package.
 29.3538 Packing.
 29.3539 Quality.
 29.3540 Raw.
 29.3541 Resweated.
 29.3542 Rework.
 29.3543 Semicured.
 29.3544 Side.
 29.3545 Size.
 29.3546 Sound.
 29.3547 Special factor.
 29.3548 Steam-dried.
 29.3549 Stem.
 29.3550 Stemmed.
 29.3551 Strips.
 29.3552 Subgrade.
 29.3553 Sweated.
 29.3554 Sweating.
 29.3555 Tobacco.
 29.3556 Tobacco products.
 29.3557 Type.
 29.3558 Type 35.
 29.3559 Type 36.
 29.3560 Type 37.
 29.3561 Type 95.
 29.3562 Undried.
 29.3563 Uniformity.
 29.3564 Unsound (U).
 29.3565 Unstemmed.
 29.3566 Variegated.
 29.3567 Wet (W).
 29.3568 Width.

ELEMENTS OF QUALITY

29.3586 Elements of quality and degrees of each element.

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 29.3608 Rule 7.
 29.3609 Rule 8.
 29.3610 Rule 9.
 29.3611 Rule 10.
 29.3612 Rule 11.
 29.3613 Rule 12.
 29.3614 Rule 13.
 29.3615 Rule 14.
 29.3616 Rule 15.
 29.3617 Rule 16.
 29.3618 Rule 17.
 29.3619 Rule 18.
 29.3620 Rule 19.
 29.3621 Rule 20.
 29.3622 Rule 21.
 29.3623 Rule 22.

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29.3624 Rule 23.
 29.3625 Rule 24.
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GRADES

29.3646 Wrappers (A Group).
 29.3647 Heavy Leaf (B Group).
 29.3648 Thin Leaf (C Group).
 29.3649 [Reserved]
 29.3650 Lugs (X Group).
 29.3651 Nondescript (N Group).
 29.3652 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3676 Summary of standard grades.

APPLICABLE STANDARD SIZES

29.3681 Applicable standard sizes.

KEY TO STANDARD GRADEMARKS

29.3686 Key to standard grademarks.

Official Standard Grades for Wisconsin Cigar-Binder Tobacco (U.S. Types 54 and 55)**DEFINITIONS**

29.6001 Definitions.¹
 29.6002 Air-cured.
 29.6003 Body.
 29.6004 Burn.
 29.6005 Case (order).
 29.6006 Class.
 29.6007 Clean.
 29.6008 Condition.
 29.6009 Crude.
 29.6010 Cured.
 29.6011 Damage.
 29.6012 Dirty.
 29.6013 Elasticity.
 29.6014 Elements of quality.
 29.6015 Foreign matter.
 29.6016 Form.
 29.6017 General quality.
 29.6018 Grade.
 29.6019 Grademark.
 29.6020 Group.
 29.6021 Injury.
 29.6022 Leaf scrap.
 29.6023 Leaf structure.
 29.6024 Length.
 29.6025 Lot.
 29.6026 Maturity.
 29.6027 Nested.
 29.6028 No Grade.
 29.6029 Offtype.
 29.6030 Package.
 29.6031 Packing.
 29.6032 Quality.
 29.6033 Raw.
 29.6034 Semicured.
 29.6035 Side.
 29.6036 Sound.
 29.6037 Stem.
 29.6038 Stemmed.

29.6039 Stem rot.
 29.6040 Strength (tensile).
 29.6041 Strips.
 29.6042 Sweated.
 29.6043 Tobacco.
 29.6044 Tobacco products.
 29.6045 Type.
 29.6046 Type 53.
 29.6047 Type 54.
 29.6048 Type 55.
 29.6049 Undried.
 29.6050 Uniformity.
 29.6051 Unstemmed.
 29.6052 Unsweated.
 29.6053 Wet (high-case).
 29.6054 Width.

ELEMENTS OF QUALITY

29.6081 Elements of quality and degrees of each element.

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29.6086 Rules.
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 29.6090 Rule 4.
 29.6091 Rule 5.
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 29.6093 Rule 7.
 29.6094 Rule 8.
 29.6095 Rule 9.
 29.6096 Rule 10.
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 29.6098 Rule 12.
 29.6099 Rule 13.
 29.6100 Rule 14.
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29.6126 Binder (B Group).
 29.6127 Stripper (C Group).
 29.6128 Straight Stripped (X Group).
 29.6129 Farm Filler (Y Group).
 29.6130 Nondescript (N Group).
 29.6131 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.6155 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6161 Key to standard grademarks.

Subpart D—Orders of Designation of Tobacco Markets

29.8001 Designation of tobacco markets.

§ 29.1

Subpart E [Reserved]

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Tobacco Produced and Marketed in a Quota Area

DEFINITIONS

- 29.9201 Terms defined.
- 29.9202 Approved receiving station.
- 29.9203 Certification.
- 29.9204 Crop-lot.
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AUTHORITY: 7 U.S.C. 511b, 511r.

CROSS REFERENCE: For regulations with respect to tobacco warehouses, see part 737 of chapter VII.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

AUTHORITY: Sec. 14, 49 Stat. 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

§ 29.1 Definitions.

For purposes of this subpart A, the following terms shall have the following meanings:

(a) *Additional sale* means an additional auction sale proposed to be conducted on a designated market.

(b) *Adequate set of buyers* means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) *Auction market* means a marketing center containing one or more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) *Bona fide auction sale* and *auction sale* mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes

the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) *Designated market* means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act including the town or city which is the population center of the market and whose name the market bears and all of the geographical area within 5 road miles of the boundaries of said city or town as they are constituted on January 1, 1993. *Provided*, That any warehouse beyond those boundaries which received tobacco inspection and price support services during the 1992 marketing season shall continue to receive such services at the same location regardless of any prohibition contained herein: *And further provided*, That this geographical limitation may be waived by the Secretary after a hearing held pursuant to §§ 29.2 and 29.3.

(f) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Hearing Officer* means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved, or such other employee of the Department of Agriculture as the Secretary may designate to act as hearing officer at such hearing.

(h) *New market* means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(i) *Hearing Clerk* means the Hearing Clerk of the U.S. Department of Agriculture, Washington, DC 20250.

(j) *Kind of tobacco* means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

[37 FR 7765, Apr. 20, 1972, as amended at 39 FR 3548, Jan. 28, 1974; 42 FR 17097, Mar. 31, 1977; 58 FR 21343, Apr. 21, 1993]

§ 29.2 Policy statement.

Inspection and price support services currently provided in auction mar-

keting areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation even though the cost of such service is paid by the seller, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets at warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales for other than flue-cured tobacco only as hereinafter provided. With regard to flue-cured tobacco, allocation of inspection services is based on producer designation, as provided for in 7 CFR 1464.2(e)(2)(iii), see subpart G. Also, since these services shall be made available to new markets to warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services*. The extension of tobacco inspection and price support services to new markets to warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market, warehouse located beyond